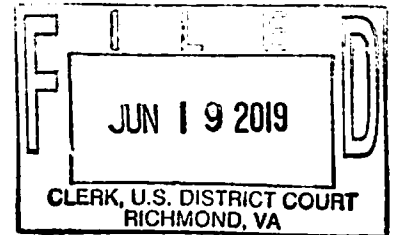


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



RICHARD CHASE,

Plaintiff,

v.

Civil Action No. 3:18CV364

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

**MEMORANDUM OPINION**

Richard Chase, a federal inmate proceeding with counsel submitted this action. Although represented by counsel, Chase applied to proceed in forma pauperis and did not pay the \$400 filing fee which is atypical in this type of case. The Court, nevertheless, granted Chase in forma pauperis status based on his submissions to the Court. Upon further review of the record, it appeared that Chase might be able to pay the filing fee or a portion of such fee. (See, e.g., ECF No. 12-1 through 12-3.) Furthermore, pursuant to 28 U.S.C. § 1915(b), "if a prisoner brings a civil action . . . the prisoner shall be required to pay the full amount of the filing fee" and the Court "shall assess and, when funds exist, collect, as a partial payment . . . an initial partial filing fee." 28 U.S.C. § 1915(b)(1). Accordingly, by Memorandum Order entered on April 3, 2019, the Court directed Chase

to submit a new in forma pauperis affidavit and to sign a consent to collection of fees form. Chase complied with those directives.

Additionally, by Memorandum Order entered on May 13, 2019, the Court directed Chase to pay an initial partial filing fee of \$81.46 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. See 28 U.S.C. § 1915(b)(1). Chase has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Chase is not entitled to proceed in forma pauperis. Chase's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to counsel of record.

\_\_\_\_\_/s/ *REI*  
Robert E. Payne  
Senior United States District Judge

Date: *June 19, 2019*  
Richmond, Virginia